

Document: Emergency Rule, **Register Page Number:** 26 IR 3658

Source: August 1, 2003, Indiana Register, Volume 26, Number 11

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**TITLE 50 DEPARTMENT OF LOCAL
GOVERNMENT FINANCE**

LSA Document #03-178(E)

DIGEST

Temporarily adds provisions establishing provisional property tax billing procedures for a county in which the 2002 general reassessment is not completed by the statutory completion date under IC 6-1.1, and implements noncode provisions and other changes in HEA 1219. Authority: House Enrolled Act 1219. Effective June 23, 2003.

SECTION 1. For purposes of this rule [document], “department” refers to the department of local government finance.

SECTION 2. The definitions in HEA 1219 apply throughout this rule [document].

SECTION 3. A county treasurer may issue provisional statements to the taxpayers in the county if the auditor and treasurer of the county submit a petition to the department stating the following:

(1) The county council, by resolution has approved the issuance of provisional statements and the expenditure of funds necessary to issue provisional statements in the percentage(s) and number of billings requested by the treasurer. A copy of the resolution must be forwarded to the department within ten (10) days of adoption.

(2) The treasurer has determined, after consultation and demonstration, that the county software system is capable of issuing provisional bills in the county in the percentage(s) and number of billings requested.

(3) Property taxes billed on a provisional statement are due June 16, 2003.

(4) The treasurer may request that the taxes billed on a provisional statement be due on a date other than June 16, 2003. The treasurer may also request two (2) installment dates. If the treasurer seeks approval of these alternatives, the treasurer must:

(A) submit a request that the department approve the alternate statement due date or dates; and

(B) provide a statement of the reasons for two (2) installment dates or the date requested.

(5) If the auditor requests to bill different classes of property at a percentage greater than fifty percent (50%) of the net taxpayer liability payable in 2002, but not exceeding seventy percent (70%), the county auditor shall:

(A) state the justification for the request to bill at a higher percentage of tax liability;

(B) submit a statement, signed by the treasurer and auditor, consenting to the billing at the higher percentage(s); and

(C) submit a statement certifying that the county treasurer has tested the county’s billing software system and that, after testing, the county treasurer certifies that the county and its system are capable of accurately billing and calculating reconciliation statements to taxpayers based on different levels of tax liability and in the manner requested for different classifications of property.

SECTION 4. A county may utilize its reassessment fund under IC 6-1.1-4-28.5 to fund the computation and distribution of provisional statements.

SECTION 5. A county treasurer shall issue provisional statements for the dates and in the percentages approved by the department in accordance with the requirements of HEA 1219.

SECTION 6. (a) If a provisional tax statement is used, notice of the provisional statement shall be published one (1) time in the form appended to this rule [document].

(b) The notice shall be published in the manner described in IC 6-1.1-22-4(b).

SECTION 7. If the county treasurer determines to issue provisional statements with respect to real property taking into account new construction of improvements placed on the real property after March 1, 2001, and before March 2, 2002, the county treasurer shall:

- (1) submit in the treasurer's petition a request to bill new construction;**
- (2) state the method by which the assessor has identified new construction;**
- (3) state the method by which the assessor has determined the true tax value of the new construction;**
- (4) state the percentage by which the treasurer intends to bill new construction;**
- (5) submit a statement, signed by the treasurer, auditor, and county assessor, consenting to the billing of new construction; and**
- (6) submit a statement certifying that the county treasurer has tested the county's billing software system and that, after testing, the county treasurer certifies that the county and its system are capable of accurately billing and calculating reconciliation statements on new construction.**

SECTION 8. A taxpayer may not appeal a provisional statement issued by a county treasurer under IC 6-1.1-15. However, if a taxpayer demonstrates that the tax liability owing as a result of a provisional statement is substantially less than that billed, the county auditor and treasurer may permit the taxpayer to pay a lesser amount than that provided in the provisional statement. A taxpayer must submit in writing to the county assessor's office the reason the taxpayer is entitled to the lesser amount. The assessor must receive this petition within fifteen (15) days of the taxpayer receiving their provisional statement. A correction in the provisional statement and in the amount owed may be appropriate in the following circumstances:

- (1) If the taxpayer demonstrates through objective evidence that the taxpayer did not own the property as of March 1, 2002. In such an event, the taxpayer must also provide the name and billing address of the person to whom the property was conveyed.**
- (2) If the taxpayer demonstrates by submitting a disaster petition under IC 6-1.1-4-11 that the property upon which the provisional statement is based was substantially destroyed before March 1, 2002.**
- (3) If the taxpayer can show there was a mathematical error in computing the taxes or penalties on the statement.**
- (4) If the taxpayer can show there was an error in carrying delinquent taxes forward from the prior year's tax statement.**
- (5) If the taxpayer demonstrates through objective evidence that his property has experienced a substantial reduction in value between March 1, 2001, and March 1, 2002, that will surely decrease by more than fifty percent (50%) the taxpayer's ultimate tax liability after reassessment. For purposes of this section, the assessed value of property shall be determined after any deduction allowed under IC 6-1.1-12.1 for tangible personal property in an economic revitalization area.**

Upon showing that a correction is appropriate based on one (1) of the circumstances described in section seven of this rule [this SECTION], the assessor may request that the treasurer and auditor issue an amended provisional statement.

SECTION 9. A county treasurer that issues a provisional statement is required to provide the taxpayers in that county a reconciliation statement after receipt of the 2002 abstract from the county auditor. The statement must include the taxpayer's actual net tax liability under IC 6-1.1.

- (1) If the taxpayer must make an additional payment, the due date for that payment will be thirty (30) days after the date of the reconciling statement.**
- (2) If the actual net tax liability is less than the amount of liability billed and paid under the provisional statement(s), a taxpayer may file a claim for refund under IC 6-1.1-26.**
- (3) A taxpayer may appeal a reconciling statement under IC 6-1.1-15.**

SECTION 10. SECTIONS 1 through 9 of this document expire on the earliest of the following:

- (1) The expiration date of the rule [document] under IC 4-22-2-37.1; or**
- (2) December 31, 2004.**